

Remarks

Claims 30-37, 40, and 42-49 are pending in this application with claim 30 being the sole independent claim. Claims 30, 36-37, and 46-48 have been amended to more particularly define the subject invention. It is respectfully submitted that the foregoing amendments place the application either in condition for allowance or in better form for appeal and therefore should be entered pursuant to M.P.E.P. §714.11.

Specifically independent claim 30, as amended, is directed to a hybrid hockey stick blade that is adapted to being removably coupled to a hockey stick shaft comprising a composite paddle portion permanently coupled to a wooden hosel portion. The first end section of the hosel portion includes a slot wherein the recessed surfaces of the heel section of the composite paddle portion are received and permanently coupled. The second end section of the hosel portion is adapted to being received within a tubular portion of a hockey stick shaft. It is respectfully submitted that the claims as presently amended are patentably distinct over the prior art.

In support of the patentability of the claims, filed contemporaneously herewith is the "Declaration of Edward M. Goldsmith Pursuant to 37 C.F.R. §1.132", which further evidences the non-obviousness of the claimed invention. The Declaration serves the dual purposes of placing the claimed invention in the proper context vis-à-vis the prior art while also setting forth the commercial success of applicant's products embodying the invention. The present remarks hereby fully incorporate the Declaration in its entirety as if fully set forth herein.

The March 11, 2005 Office Action rejected the then pending claims as unpatentable under 35 U.S.C. § 103 over Tiitola et al. (USPNo. 5,407,195) in view Hall (USPNo. 1,601,116). There does not appear to be a dispute that while Tiitola discloses a composite blade construction, it does not

disclose or otherwise teach a recessed heel section that is permanently mated within a slot of a wooden hosel. Quite the contrary, the blade constructs disclosed in Tiitola have absolutely no recess at the heel let alone one that is configured to be received in a mating portion of a hosel adapted for receipt within a tubular portion of a hockey stick shaft.

Similarly, there does not appear to be any dispute that Hall, on the other hand, is not directed to a replacement hockey stick blade. Rather, Hall is solely directed to an all-wood hockey stick in which the blade and the shaft are permanently connected at a tongue and groove joint at the heel of the blade. Further there is no apparent dispute that Hall discloses a recessed heel portion of a wooden blade paddle that is connected to a slotted wooden shaft, but does so solely in the context of an all-wood hockey stick construction. Moreover, there does not appear to be any dispute that the sole motivation for the tongue and groove construction disclosed in Hall was to reduce the waste in materials associated with the prior art manufacturing process of carving a hockey stick from a single unitary piece of wood. (Hall Col. 1:1-6).

As to the presently amended claims, it is respectfully submitted that there is no teaching in either Hall or Tiitola or the prior art that suggests or otherwise provides the requisite motivation for modifying the composite blade in Tiitola, to include a recessed region at the heel that is permanently attached within a slot of a wooden hosel adapted to being received within the tubular portion of a hockey stick shaft. Not only is such a combination not disclosed nor otherwise suggested by Tiitola and/or Hall, it runs directly contrary to the teachings of the prior art as set forth below and in the accompanying Declaration.

While the tongue and groove construction disclosed in Hall reduced manufacturing costs, it did so while maintaining uniformity in the blade (i.e., the entire hitting surface of the blade including

the heel region was made of wood). However, in doing so, the tongue and groove construction disclosed in Hall had the acknowledged disadvantage of introducing a joint in a high impact location at the expense of durability.

The introduction and decades of development of synthetic replacement blades employed in contemporary two-piece hockey stick configurations, as set forth in the accompanying Declaration and the cited references noted therein, was motivated by the primary desire to remove the lack of durability inherent in such wood blade constructions while maintaining a uniform blade construction. Because the molding process employed in the manufacture of such synthetic blades was much different than that employed when working with wood the teachings and motivations described in Hall did not apply. Quite the contrary, such synthetic replacement blades since their introduction were formed as unitary molded structures that extended from the tip of the blade to the top of the hosel thereby providing a uniform material construction of the primary hitting surfaces of the blade while at the same time improving durability. Hence, in the context of synthetic replacement hockey stick blades, as set forth in the accompanying Declaration and cited prior references, there was absolutely no motivation in the art to employ a Hall type tongue and groove joint in a composite replacement blade.

The lack of motivation, indeed counter-motivation, for employing such a tongue and groove construction not only stemmed from the durability that those skilled in the art sought from such synthetic blades and the associated molding process by which such synthetic blades were manufactured, but also from the fact that such replacement hockey stick blades, by their very nature, introduced a new joint into the hockey stick between the blade and the shaft. In addition, the counter-motivation for employment of such a tongue and groove joint in the context of a hybrid

blade comprised of a wooden hosel and composite paddle is even more heightened when one considers that such a construction would introduce a lack of uniformity in the walls making-up the primary hitting surfaces of the blade.

Thus, as set forth in the accompanying Declaration, there was absolutely no motivation in the prior art for employing the tongue and groove joint disclosed in the all-wood hockey stick disclosed in Hall in the context of synthetic replacement blades because the waste issue dealt with in Hall was simply not applicable to synthetic blade constructions or consistent with the motivation that drove the introduction and development of synthetic replacement blades. Moreover, the employment of such a tongue a groove joint in a hybrid wood/composite blade not only is nowhere disclosed or suggested in the prior art it also runs contrary to over a century's worth of hockey stick art in which the hitting surfaces of the blade from tip to heel was uniformly constructed of the same or similar materials. The paucity of any reference over the past 80 or so years since the issuance of Hall that discloses such a tongue and groove joint in a hybrid replacement blade further supports this conclusion.

It is respectfully submitted that a conclusion to the contrary amounts to nothing more than impermissible hindsight that fails to comprehend the context of the present invention. Moreover, the commercial success of applicant's products embodying the invention provides additional evidence of inventiveness. Accordingly, it is respectfully submitted that pending claims 30-37, and 40, 42-49 patentably distinguish over the prior art.

In addition, it is noted that the additional limitations set forth in dependent claims 43 and 45 are not disclosed in either Tiitola or Hall. Neither Hall nor Tiitola teach or suggest an internal bridge structure comprising *non-continuous fibers* nor internal bridge structures extending between the

recessed front-side and back side facing surfaces of the heel section. All the bridge structures in Tiitola are made of layers of continuous fibers capable of being oriented at the desired transverse angle. Furthermore, since Tiitola does not disclose or even suggest the employment of any recessed portion at the heel whatsoever it cannot suggest that bridge structures be employed there as set forth in claim 45. Accordingly, claims 43 and 45 are not obvious over the cited references for these additional reasons.

Conclusion

In view of the foregoing remarks and amendments, it respectfully submitted that Claims 30-37, 40, and 42-49 are patentably distinct over the prior art. A Notice of Allowance is earnestly solicited. To the extent that the Examiner concludes otherwise, it is respectfully requested that the Examiner contact the Applicants' below-identified representative to schedule an Examiner's Interview to discuss the matter pursuant to M.P.E.P. §714.12.

Respectfully submitted,

JONES DAY

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